

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

LEONARD WINFREY,

Plaintiff,

v.

MELISSA MITCHELL, *et al.*,

Defendants.

Case No.: 3:24-cv-00101-MMD-CLB

ORDER

State prisoner Leonard Winfrey brings this civil-rights action under 42 U.S.C. § 1983, contending that his constitutional rights were violated while he was incarcerated at Northern Nevada Correctional Center (“NNCC”). (See ECF No. 1-1.) On March 18, 2024, Plaintiff filed a “Motion to Dismiss.” (ECF No. 6.) It is plain from the motion’s contents that Plaintiff seeks dismissal of his other action, styled *Winfrey v. Brittany*, Case No. 3:24-cv-00104-LRH-CSD, which he argues was filed in error due in part to old forms used in the prison’s law library. (*Id.* at 2.) The dismissal motion, however, was filed only in this action—Case No. 3:24-cv-00101-MMD-CLB—because that is the sole case number that Plaintiff handwrote in the motion’s caption. (*Id.* at 1.) The Court denies the dismissal motion as filed in the wrong action, and will correct Plaintiff’s filing error.

It is therefore ordered that Plaintiff’s motion to dismiss (ECF No. 6) is denied without prejudice because it was filed in the wrong action.

Plaintiff is cautioned that he must write the correct case number in the caption of documents he submits for the Court’s consideration to ensure that they are filed in the correct action.

Plaintiff is advised that the Court considers his application to proceed *in forma pauperis* by an inmate at NNCC to be complete (ECF Nos. 4, 8.)

1 Plaintiff is further advised that the Court will address the merits of his application
2 to proceed *in forma pauperis* (ECF Nos. 4, 8) and screen his Complaint (ECF No. 1-1) in
3 the ordinary course, and the screening process might take several months.

4 The Clerk of the Court is directed to add Case No. 3:24-cv-00104-LRH-CSD to the
5 caption of Plaintiff's Motion to Dismiss (ECF No. 6) and file that motion in Case No. 3:24-
6 cv-00104-LRH-CSD.

7 DATED THIS 19th Day of March 2024.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written above a horizontal line.

MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE